

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
AT KANSAS CITY

BILLIE RODRIGUEZ, DANIEL ERWIN,
MICHAEL B. ACKERMAN, and KYLE
FOREMAN, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

EXXON MOBIL CORPORATION,
CHEVRON USA INC., CHEVRON PHILLIPS
CHEMICAL CORPORATION, DUPONT de
NEMOURS, INC., DUPONT
CORPORATION, CELANESE
CORPORATION, DOW INC., DOW
CHEMICAL COMPANY, EASTMAN
CHEMICAL COMPANY,
LYONDELLBASELL INDUSTRIES N.V., and
AMERICAN CHEMISTRY COUNCIL,

Defendants.

Case No. 4:24-cv-00803-SRB

SPECIALLY APPEARING DEFENDANT
EXXON MOBIL CORPORATION'S MOTION TO TRANSFER VENUE

Specially Appearing Defendant Exxon Mobil Corporation ("ExxonMobil")¹, by and through its undersigned counsel, hereby makes this special appearance and moves this Court for an order transferring venue to the United States District Court for the District of Kansas pursuant to the first-filed rule.

¹ Exxon Mobil Corporation specially appears only to contest venue via the first-filed rule. By filing this motion, ExxonMobil does not concede jurisdiction is proper in the District of Kansas or the Western District of Missouri, and the instant motion does not prevent ExxonMobil from subsequently filing 12(b) motions in either forum, including but not limited to motions challenging personal jurisdiction under 12(b)(2). ExxonMobil explicitly preserves all defenses under Rule 12(b) and intends to file such motions after the appropriate forum is determined. See Fed. R. Civ. P. 12(h)(1). *Lewis & Clark Reg. Water Sys., Inc. v. Carstensen Contracting, Inc.*, 355 F. Supp. 3d 880 (D.S.D. Dec. 31, 2018); *Dekalb Genetics Corp. v. Syngenta Seeds, Inc.*, No. 4:06CV01191-ERW, 2007 WL 1223510, at *5 (E.D. Mo. Apr. 24, 2007).

In support of this Motion, ExxonMobil incorporates herein and relies upon its Suggestions in Support filed contemporaneously with this Motion.

WHEREFORE, ExxonMobil respectfully requests that this Court grant its motion to transfer venue from the United States District Court for the Western District of Missouri to the United States District Court for the District of Kansas.

Dated: December 22, 2024

Respectfully submitted,

LATHROP GPM LLP

By: /s/ Richard N. Bien

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on December 22, 2024, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to counsel of record.

/s/ Richard N. Bien

Richard N. Bien
An Attorney for Exxon Mobil Corporation